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8 of San Francisco

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 WILLIAM SETZLER,
13 Plaintiff,

14 v.

15 CITY AND COUNTY OF SAN
16 FRANCISCO, a municipal corporation and
DOES ONE through TEN, inclusive
17 Defendants.
18

Case No. 07-CV-05792-SI

**STIPULATION TAKING MOTION TO
DISMISS OFF CALENDAR**

19 Whereas, on January 28, 2008, Defendant City and County of San Francisco
20 ("Defendant") filed a motion to dismiss Plaintiff's original Complaint;

21 Whereas, on February 8, 2008, this lawsuit was reassigned from Magistrate
22 Judge Edward Chen to Honorable Susan Illston;

23 Whereas, Plaintiff's opposition to Defendant's motion to dismiss was due on
24 March 21, 2008;

25 Whereas, on March 21, 2008, Plaintiff filed a First Amended Complaint pursuant
26 to Federal Rule of Civil Procedure 15(a);

27 Whereas, in light of this amendment, the parties stipulate to taking the hearing
28 for the motion to dismiss, which is currently scheduled for April 7, 2008, off calendar;

1 Whereas, the parties also stipulate that Defendant will not be prejudiced in any
2 manner by its agreement to take the motion to dismiss hearing off calendar;

3 NOW, THEREFORE THE PARTIES HEREBY STIPULATE through their attorneys
4 of record that the hearing for Defendant's motion to dismiss, which is currently scheduled
5 for April 7, 2008, will be taken off calendar. Defendant will file a responsive pleading to
6 plaintiff's First Amended Complaint on or before April 21, 2008, and will not be prejudiced
7 in any manner by its agreement to take the motion to dismiss hearing off calendar.

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9 DATED: March 25, 2008

MEYERS, NAVE, RIBACK, SILVER & WILSON

10
11 By: /s/ Jesse J. Lad

12 Jesse J. Lad

13 Attorneys for Defendant

14
15 Dated: March 25, 2008

LAW OFFICES OF STEPHEN F. HENRY

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17 By: /s/ Stephen F. Henry

18 Stephen F. Henry

19 Attorneys for Plaintiffs
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